

REMARKS

I. Election and Restriction under 35 U.S.C. 121

Applicant formalizes the telephonic provisional election to prosecute Group I, claims 1-10 and 18-21 drawn to a pastillation machine classified in class 425, subclass 008. By means of the foregoing amendment, Applicant withdraws from consideration claims 11-17 drawn to a diffuser. Applicant has reviewed inventorship in light of the withdrawal of the Group II claims, and determined that no amendment is necessary in compliance with 37 C.F.R. 1.48(b).

II. Objections to the Drawings

The pending objections to the drawings for failure to comply with 37 C.F.R. 1.84(p)(5) are fully addressed by the formal Figure 1 transmitted on January 7, 2002, and the formal, corrected Figure 3 transmitted with this Response.

III. Specification

The Examiner has objected to the disclosure because of certain informalities. The informalities at page 8, line 19 have been corrected by the foregoing amendment to the disclosure.

IV. Claim Objection 37 C.F.R. 1.75(c)

The Examiner has objected to claim 21 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of the previous claims. Applicant has cancelled claim 21 by means of the foregoing amendment to the claims.

V. Claim Rejection under 35 U.S.C. 102

The Examiner has rejected claims 1-4 and 7 as anticipated by Froeschke (DE 3530508 A1). Applicant respectfully disagrees with the Examiner's objection. The Examiner has itemized the elements of Froeschke that are believed to anticipate the distribution system of the current invention. However, it appears that the Examiner has

drawn an inaccurate comparison between the two systems. In particular, the Examiner has equated the inner cylinder (Fig. 2, #3) of the Froeschke design to the distribution bar, and has equated the nozzle bar (Fig. 2, #25) to the feeder bar. The Examiner indicates that items #3 and #25 together make up the bar as claimed in the current invention. As such, the Examiner argues that "a series of holes located on an inlet surface of said bar" is represented in Froeschke by item 22 in Fig. 2. It is respectfully submitted that item 22 of Froeschke is an internal bore that permits fluid communication between items #3 and #25 and that such a bore is more accurately construed as an outlet of #3, not a hole or series of holes on an inlet surface. Furthermore, the Examiner argues that Froeschke teaches a series of slots located on an outlet surface of the bar, but fails to indicate what features of Froeschke are analogous to these slots. Figures 2a and 3 do not show a series of slots as claimed by the Examiner. As such, it is respectfully submitted that Froeschke fails to teach or contemplate an equivalent bar structure having the necessary structural features of the inlet surface and outlet surface of the current invention. The failure to define an equivalent bar structure also serves to failure to define an equivalent bore as claimed in the current invention. Within this bore there is positioned a diffuser which serves to spread the flowable substance through the bore so that the flowable substance exits the bar evenly through the series of slots. Foreschke fails to teach an equivalent bore and diffuser, thus failing to achieve an even spread of flowable substance prior to extrusion. In view of the above, it is respectfully submitted that the current invention is novel in view of Froeschke (DE3530508 A1).

VI. Claim Rejection under 35 U.S.C. 103

The Examiner has rejected claims 5 and 10 as obvious over Froeschke in view of Lewis, et al. (US 6,412,308). In addition, the Examiner has objected to claims 6, 8 and 9 as obvious having regard to Froeschke in view of Lewis, et al. and further in view of Gilbert De Cauwer, et al. (US 5,643,524). Applicant respectfully disagrees with the Examiner's objections. In view of the above discussion with respect to novelty over Froeschke, it is respectfully submitted that the additional references fail to teach or contemplate the additional features necessary to arrive at the current invention. The additional references pertain to materials used in the construction of the apparatus, and

do not address the deficiencies in the subject matter pertaining to the bar structure of the current invention. One skilled in the art having regard to Froeschke and the additional references would not be directed to the current invention.

For the reasons set forth above, Applicant respectfully submits that the claims as amended are allowable over the art of record and reconsideration and issuance of a Notice of Allowance are respectfully requested. The Examiner is also encouraged to contact the undersigned by telephone if a conversation would expedite prosecution of this case.

This constitutes a request for any needed extension of time. The undersigned hereby authorizes the Commissioner to charge any deficiency of fees submitted herewith to be charged to Deposit Account Number 19-5117.

Respectfully Submitted,



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